

CHARLEY vs. USA, et al.
No. 1:22-CV-00033-JB-JFR

Edward Shradar, RN, MSN, CEN
October 16, 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE ESTATE OF NENA CHARLEY,
by and through Personal Representative,
TIMOTHY CHARLEY, TIMOTHY
CHARLEY, as parent and next friend of
NILE CHARLEY, and TIMOTHY CHARLEY,
Individually,

Plaintiffs,

vs.

No. 1:22-cv-00033-JB-JFR

THE UNITED STATES OF AMERICA, ROBIN
RANELL SALES, R.N., JOELLE CATHERIN
CERO GO, R.N., AB STAFFING SOLUTIONS,
LLC, a Foreign Corporation, NEXT MEDICAL
STAFFING, a Foreign Corporation, and JOHN or
JANE DOE Corporation,

Defendants.

DEPOSITION OF EDWARD SHRADAR, RN, MSN, CEN
October 16, 2023
9:30 a.m.
Via Zoom
Albuquerque, New Mexico

PURSUANT TO THE FEDERAL RULES OF CIVIL
PROCEDURE this deposition was:

TAKEN BY: DENISE M. CHANEZ, ESQ.
ATTORNEY FOR JOELLE CATHERIN CERO GO and
AB STAFFING SOLUTIONS, LLC

REPORTED BY: Debra L. Williams, CCR
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WILLIAMS & ASSOCIATES -- COURT REPORTING SERVICE

505-843-7789

EXHIBIT C

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<p style="text-align: right;">Page 58</p> <p>1 right of that. Correct?</p> <p>2 A. Yes.</p> <p>3 Q. And the same for all of the other topics that are</p> <p>4 listed on this page, where there are initials next to</p> <p>5 them, they're to the right of the topic. Is that right?</p> <p>6 A. Yes.</p> <p>7 MS. CURTIS: Object to the form.</p> <p>8 Q. And for the Hantavirus Plague Update PDF version,</p> <p>9 there are no initials to the right of that topic, are</p> <p>10 there?</p> <p>11 A. Not from what I can see.</p> <p>12 Q. The initials are above that topic. Correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And as we already discussed, it is -- this</p> <p>15 is a black-and-white version of this document that</p> <p>16 appeared to at least at some point in time be a color</p> <p>17 version, and you agree we cannot see, as Ms. Curtis</p> <p>18 pointed out, what is highlighted on this document. Is</p> <p>19 that right?</p> <p>20 A. Correct.</p> <p>21 Q. And if -- and this is a hypothetical -- if Nurse</p> <p>22 Go was not asked to complete Hantavirus Plague Update</p> <p>23 PDF version, in other words, if that was not one of the</p> <p>24 highlighted topics, you would agree she did not have an</p> <p>25 obligation to complete that for her training?</p>	<p style="text-align: right;">Page 60</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And then you quote some testimony from</p> <p>3 Nurse Go on pages 12 and 13 of your report. It's</p> <p>4 related to the June 20 -- it looks like some questions</p> <p>5 about Hantavirus training, and she was saying that there</p> <p>6 was a Hantavirus video that she viewed in June of 2019.</p> <p>7 And then some questions about the questionnaire in</p> <p>8 place, I think in June of 2019 that they do ask</p> <p>9 questions now about mouse droppings, exposure to mouse</p> <p>10 droppings. Do you see all of that, Mr. Shradar?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Are there any opinions related to Nurse</p> <p>13 Go? It didn't appear to me that there were, but I just</p> <p>14 wanted to confirm, because you did identify some</p> <p>15 testimony from her.</p> <p>16 MS. CURTIS: Object to the form.</p> <p>17 A. I don't have any further opinion.</p> <p>18 Q. Okay. All right. So then on to page 13, you say</p> <p>19 it's your opinion there were breaches in nursing care,</p> <p>20 nursing education and nursing competency validation at</p> <p>21 GIMC emergency department that directly affected the</p> <p>22 care of Nena Charley on May 28th. And you have some</p> <p>23 opinions about GIMC and its training of Nurse Sales and</p> <p>24 Nurse Go.</p> <p>25 But I wanted to come back, in terms of the</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Yes.</p> <p>2 MS. CURTIS: Sorry. I have to object to the</p> <p>3 form. Go ahead.</p> <p>4 A. Yes.</p> <p>5 Q. Thank you, Mr. Shradar.</p> <p>6 Okay. Mr. Shradar we've been going for about an</p> <p>7 hour-and-a-half now. I don't have much more in terms of</p> <p>8 my questions for you, so I don't know if you want to</p> <p>9 wrap up and then take a break, because I do think that</p> <p>10 Mr. Checkett and Mr. Eaton may have some questions for</p> <p>11 you. Or if you'd like to take a break now, that's</p> <p>12 perfectly fine and we'll just finish up my questions</p> <p>13 when we get back.</p> <p>14 A. We can finish your questions now if you'd like.</p> <p>15 Q. Okay. All right. Okay. I think I may have come</p> <p>16 down a little too far. This is repeated, I think, on</p> <p>17 the next page, but I did want to ask you about it in</p> <p>18 terms of the document here.</p> <p>19 It says, "This PDF appears for use by the general</p> <p>20 public and gives no specific information to ED staff on</p> <p>21 how to screen patients, document the screening questions</p> <p>22 or who to notify if a patient is found to be at risk for</p> <p>23 Hantavirus exposure." And I just wanted to be sure,</p> <p>24 within that, there is no criticism or an opinion related</p> <p>25 to Nurse Go. Correct?</p>	<p style="text-align: right;">Page 61</p> <p>1 breaches in nursing care, have we already covered your</p> <p>2 opinions with respect to the breaches in nursing care --</p> <p>3 did I understand your testimony correctly in the sense</p> <p>4 that your opinion was that there should have been</p> <p>5 screening in place?</p> <p>6 MS. CURTIS: Object to the form.</p> <p>7 A. Yes.</p> <p>8 Q. And is there anything else about -- any other</p> <p>9 opinions we haven't covered with respect to breaches in</p> <p>10 nursing care? And let me be even more specific. With</p> <p>11 respect to Nurse Go.</p> <p>12 A. No. We've covered it.</p> <p>13 Q. Okay. All right. And then you've got four</p> <p>14 opinions here. The first has to do with the criticism I</p> <p>15 think that we just discussed previously regarding the</p> <p>16 Hantavirus Plague PDF version that was in Nurse Go's</p> <p>17 education file, that it's used for general public</p> <p>18 purposes and it does not provide information on how to</p> <p>19 screen patients for Hantavirus or report a positive</p> <p>20 screening. And that seems pretty self-explanatory to</p> <p>21 me. And as I understand it, that's not a criticism or</p> <p>22 an opinion related to Nurse Go. Correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And then the second opinion has to do with</p> <p>25 GIMC failing to validate Hantavirus -- or allegedly</p>

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<p style="text-align: right;">Page 62</p> <p>1 failing to validate Hantavirus, screening nurse 2 competency of Nurse Sales and Nurse Go, and you talk 3 about the standard workflow that would include screening 4 questions and how to report positive screenings and how 5 to care for a suspected Hantavirus patient. Did I read 6 that correctly? 7 A. Yes. 8 Q. And it does not appear to me that there are 9 opinions here related to Nurse Go, but I wanted to just 10 confirm that with you. 11 A. These are my opinions. There's nothing 12 additional. 13 Q. And nothing specific to Nurse Go in terms of -- 14 this criticism appears to be focused on the hospital. 15 That's all I'm trying to confirm. 16 A. Correct. 17 Q. Okay. All right. And then the third opinion is 18 that Nurse Sales and Nurse Go did not meet the standard 19 of care with Hantavirus screening. Have we already 20 discussed your opinion with respect to not meeting the 21 standard of care with Hantavirus screening for Nurse Go? 22 A. Yes. 23 Q. Do you have anything else to add? 24 A. No. 25 Q. And then it says that GIMC failed to provide</p>	<p style="text-align: right;">Page 64</p> <p>1 Okay. Yeah. You will express opinions on 2 nursing standard of care for nurses and explain to the 3 jury the standard of care for evaluating a patient such 4 as Nena Charley and the role of an emergency department 5 nurse caring for a patient like Nena Charley and how an 6 ED nurse properly screens and assesses a patient 7 presenting with possible communicable disease symptoms. 8 Have we covered those opinions already today, 9 Mr. Shradar, in the course of reviewing your report? 10 MS. CURTIS: Object to the form. 11 Q. Go ahead, Mr. Shradar. 12 A. Yes. 13 Q. Is there anything else you want to add to your 14 testimony that you've already given with respect to that 15 section of your report? 16 A. No. 17 Q. Okay. I think that's the end of your report. 18 And Mr. Shradar, just to confirm, there are no opinions 19 in your report concerning AB Staffing Solutions. Is 20 that right? 21 A. Correct. 22 Q. You will not be offering any opinions at trial 23 regarding AB Staffing Solutions, correct? 24 A. Correct. 25 Q. Are there any other opinions that you think I may</p>
<p style="text-align: right;">Page 63</p> <p>1 adequate education and training programs. And again, 2 that opinion is separate from Nurse Go. Correct? 3 A. Yes. 4 Q. And then the fourth again discusses GIMC and an 5 alleged failure to monitor compliance of Hantavirus 6 screening. You don't have any opinions related to Nurse 7 Go with respect to that fourth opinion. Correct? 8 A. Correct. 9 Q. All right. And then under the next section here 10 it says Opinions, page 13 of your report, Opinions, 11 May 28, 2019, second visit at Gallup Indian Medical 12 Center. And just to confirm, Mr. Shradar, you did 13 not -- you agree that Nurse Go did not provide any care 14 to Ms. Charley on her second visit to GIMC. Correct? 15 A. Correct. 16 Q. And the opinions you've expressed here regarding 17 the second visit at GIMC do not pertain to Nurse Go. Is 18 that right? 19 A. Correct. 20 Q. All right. In the beginning of your report, or 21 closer to the beginning of your report, I asked him over 22 that initial discussion where you said you were gonna 23 discuss the standard of care for treating patients like 24 Ms. Charley -- let me get to that language, just so I 25 don't misstate something.</p>	<p style="text-align: right;">Page 65</p> <p>1 have missed in your report that we have not already 2 discussed today? 3 MS. CURTIS: Object to the form. 4 A. No. 5 Q. Have we covered all the opinions you plan to 6 offer in this case at trial if you're called to testify 7 at trial? 8 MS. CURTIS: Object to the form. 9 A. Yes. 10 Q. Thank you, Mr. Shradar. If you have any other 11 opinions, there is ongoing discovery in this case, and I 12 just want to be sure that if anything changes, if there 13 are any changes to your opinions after you review any 14 additional material, if you have any new opinions or any 15 of your opinions are no longer -- you're withdrawing any 16 of those opinions, that you will let Ms. Curtis know or 17 Ms. Ben know so that they can inform us and we will have 18 the opportunity to depose you again. 19 MS. CURTIS: So I'm gonna object to that. I 20 don't know that you get to depose him again. But 21 obviously we understand the supplementation 22 requirements. 23 MS. CHANEZ: Fair enough. I'm not going to 24 agree that we wouldn't have the opportunity to depose 25 him again, but that's a different issue.</p>

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<p style="text-align: right;">Page 74</p> <p>1 Q. And then where it says in the paragraph 2 underneath that, it says "First" and then it goes on to 3 talk about Nurse Go, that related to Nurse Go, correct, 4 that paragraph?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And then it says "Second, GIMC failed to 7 validate Hantavirus screening nursing competency of 8 Robin Sales and Nurse Go." Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. And that is your opinion?</p> <p>11 MS. CURTIS: Objection, form, foundation.</p> <p>12 A. Yes, that is my opinion.</p> <p>13 Q. Okay. And where it says "Third," it says "Robin 14 Sales, RN, and Joelle Go, RN, did not meet the standard 15 of care with regard to Hantavirus screening." Did I 16 read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. And again, am I accurate in stating that your 19 opinion there is both Nurse Sales and Nurse Go didn't do 20 Hantavirus screening because they weren't trained on it 21 by the hospital?</p> <p>22 MS. CURTIS: Objection, form, foundation.</p> <p>23 A. Correct.</p> <p>24 Q. All right. So it's not a situation where Nurse 25 Sales knew about the Hantavirus screening, it's just,</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. All right. So this isn't necessarily a situation 2 where Nurse Sales fell below the standard of care, 3 you're actually focusing on the hospital not providing 4 Nurse Sales with the necessary training and education to 5 do the Hantavirus screening. Is that right?</p> <p>6 MS. CURTIS: Objection, foundation.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And so essentially, your opinions -- I 9 know Robin Sales is mentioned, but your opinions about 10 the failure to do the Hantavirus screening go to the 11 hospital and the lack of training for Robin Sales. Is 12 that right?</p> <p>13 MS. CURTIS: Objection, form.</p> <p>14 A. Yes.</p> <p>15 Q. And so I know you testified earlier given a 16 constellation of symptoms in the triage, a question with 17 proper Hantavirus screening would require a followup 18 question on mouse droppings. Is that what you were 19 testifying earlier?</p> <p>20 A. Yes.</p> <p>21 Q. And so you're not saying that Robin Sales fell 22 below the standard of care by not asking that question, 23 rather, you're saying the hospital did not train her to 24 ask that question, so it was a hospital standard of care 25 violation. Is that right?</p>
<p style="text-align: right;">Page 75</p> <p>1 she didn't get it because the hospital didn't train her 2 on it.</p> <p>3 MS. CURTIS: Objection, form, foundation.</p> <p>4 A. Yes. That's my opinion.</p> <p>5 Q. Okay. So -- okay. So really, this -- and it 6 goes on further, "GIMC failed to provide adequate 7 training and education programs." Did I read that 8 correctly?</p> <p>9 A. Yes.</p> <p>10 Q. So it's your opinion that, kind of like where we 11 started, the standard of care wasn't met, first off, 12 because there wasn't a Hantavirus screening as provided 13 by the hospital. Correct?</p> <p>14 A. Correct.</p> <p>15 Q. All right. And the reason you mentioned Nurse 16 Sales and Nurse Go in this third -- what's marked as the 17 third opinion is because the hospital had not given them 18 the training to do the screening, therefore, they didn't 19 do a screening for Hantavirus. Correct?</p> <p>20 MS. CURTIS: Objection, foundation.</p> <p>21 A. Yes. That is my opinion.</p> <p>22 Q. Okay. And so then fourth, again, you refer to 23 GIMC's role in the case and Hantavirus screening. 24 Correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 77</p> <p>1 MS. CURTIS: Objection, foundation.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And have I covered your opinions -- I know 4 I've covered your opinions with Next Medical Staffing. 5 Have I covered your opinions as they relate to Nurse 6 Sales?</p> <p>7 MS. CURTIS: Objection, form, foundation.</p> <p>8 A. Yes.</p> <p>9 MR. CHECKETT: Okay. Thank you, 10 Mr. Shradar. I don't have any further questions.</p> <p>11 EXAMINATION</p> <p>12 BY MR. EATON:</p> <p>13 Q. Okay. Mr. Shradar, thank you for sitting with us 14 today. At any point let me know if you can't hear me or 15 if I'm speaking too quickly, and I'll slow down.</p> <p>16 So I represent the United States, and mostly 17 what's being referred to as Gallup Indian Medical 18 Center, which was the hospital under the Indian Health 19 Services. Mr. Shradar, have you ever worked for Indian 20 Health Services?</p> <p>21 A. No.</p> <p>22 Q. Have you ever provided any treatment in an Indian 23 Health Services hospital, clinic or other treatment 24 facility?</p> <p>25 A. No.</p>